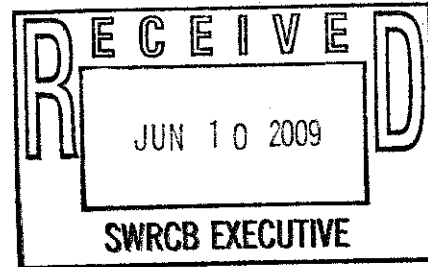




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June 10, 2009

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "T" Street, 24th Floor
Sacramento, CA 95814

Re: Comments pertaining to the "Consideration of an item to clarify implementation of ARRA subsidy funds for CWSRF projects" prepared by State Water Board staff

We do not concur with the Water Board staff recommendation to grant AARA non-point source (NPS) subsidy funding to urban stormwater projects to the exclusion of agricultural and forestry NPS projects. It is our contention that project funding should be based on competitive criteria that are exactly consistent with the intent of the ARRA funding program as well as published Water Board objectives and plans. These competitive criteria should include: (1) construction start date; (2) construction readiness (permitting); (3) impacts on disadvantaged communities (as defined by median income and current unemployment rate); and (4) water quality, beneficial use and anti-degradation criteria.

Technical arguments

According to Table 1 of the Water Board staff report, NPS forestry projects funded by the State Water Board since 2000 have received 30% less grant monies than those funded for urban stormwater projects. Therefore, the argument that urban stormwater projects have not had similar opportunities to take advantage of Water Board NPS grant funding programs is unfounded.

Exclusion of agricultural and forestry projects as proposed by the staff is not based on published, prioritized water quality objectives listed in the Basin Plan or other NPS water quality programs for California's Northcoast. We find that the prioritization process proposed by the staff is not supported by published water quality objectives specifically identified in Water Board Basin Plans or the implementation guidelines outlined in the state and federally approved TMDLs of virtually every Northcoast watershed.

Sediment pollution has drastically affected water quality, beneficial uses, and our economy. Sediment pollution is the mechanism that has decimated salmonid populations. Due to endangered salmonid species, both commercial and recreational salmon fishing has been closed on the Northcoast. This alone has had a profound and resonating effect on our economy. As published by the Water Board in numerous TMDL studies, road-related NPS sediment pollution is the driving mechanism that has degraded water quality and stream habitat in salmonid watersheds. Discharges are violations and prohibited according the Water Quality Control Plan for the Northcoast (Basin Plan). Adverse sediment

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loads are quantified using basin-wide ground based studies, which have allowed the EPA and Water Board to set reduction targets. The EPA TMDL recommendations, targets, and implementation strategies for virtually every sediment impaired Northcoast watershed have been documented after endless hours of ground-based field work and planning by your regional board staff. These long-standing water quality objectives and prioritized implementation plans prepared by the Water Board have not been included in the staff's shortsighted recommendation to fund only NPS urban stormwater projects. Technical studies and the sediment load targets and implementation plans prepared for these watersheds have been completely ignored in the proposed ARRA funding process and criteria for prioritizing proposed Water Board ARRA CWSRF funds.

TMDL studies throughout the Northcoast have been undertaken to analytically prioritize implementation measures and programs needed to reduce anthropogenic sedimentation in sediment impaired watersheds. These NPS sediment treatments can be implemented to dramatically reduce erosion and sediment loading on forest lands and rural landscapes. This activity is region-wide and includes achieving targets for the Basin Plan as well as implementing recommendations in the TMDLs. Importantly, there are no recommendations contained in the published and approved Northcoast TMDLs to implement or fund NPS urban stormwater projects. The staff's exclusive selection of funding for urban stormwater projects to the detriment of forestry NPS projects is not consistent with either the Basin Plan or published Water Board TMDLs for the Northcoast.

As stated in multiple Water Board planning studies, meeting TMDL requirements and achieving delisting of the Northcoast watersheds as sediment-impaired rivers is a primary goal of the NPS projects that have been proposed for the ARRA CWSRF program. These measures and NPS project proposals have been designed to directly and effectively address TMDL targets established for the Northcoast watersheds and identified in the Basin Plan. We recommend that the Water Board rethink the allocation of ARRA CWSRF monies to reflect the recommendations and guidelines outlined by the Regional Water Quality Control Boards, Basin Plans, and TMDLs. We suggest staff recommendations be completely revised to include high priority agricultural and forestry projects that will have a critically important benefit to disadvantaged communities and that addresses published Water Board priorities for the Northcoast.

Economic and DAC arguments

In our experience, urban stormwater construction project monies, especially those located in severely disadvantaged communities, typically go to large outside contractors and very little filters into the communities that are supposed to be helped. It is our assertion that most of the contractors that win these urban stormwater contracts will almost certainly be companies from outside the disadvantaged community. In contrast, forestry NPS projects go to local contractors who live and work in the affected communities: indeed, many of these contractors are people who have suffered economic hardship as a result of the down turn in forestry. Forestry NPS projects in these rural areas go to small local equipment contractors and laborers, *not to large outside contractors*. ARRA grant monies are meant for helping skilled but economically disadvantaged workers such as those who would most certainly be employed by forestry NPS projects.

Funding ARRA NPS projects through the CWSRF program is critically important to the health of a number of industries that directly affect disadvantaged rural communities. Over the last decade the Northcoast commercial salmon fishing industry has been decimated, in large part due to NPS sediment-

related habitat and water quality impacts. Addressing these impacts has been the focus of all sediment TMDLs that have been developed by the Water Board for north coastal California. For the last three years the recreational sport fishing industry has followed suit and dwindled to near zero today. This has had a profound, devastating and long lasting impact on employment, in both the fishing industry and the tourist industry. Finally, for the last two years the timber industry has been at a standstill in northern California, with employee layoffs reaching unprecedented proportions. Historically these activities have been our most important regional sources of employment, but they have all collapsed during this current recession and there is no end in sight or obvious source of economic relief for our communities. Budgets for county government and public schools are being slashed at the state and local level. The ARRA stimulus program is designed to get money to the places that are economically hurting, and to stimulate employment in those areas. The economic benefits of projects that would be implemented under this funding program cannot be understated in relation to these disadvantaged rural communities.

We have work diligently with the timber industry, the ranching community, and conservation organizations to implement NPS projects throughout the Northcoast that are consistent and responsive to Water Board goals and objectives. There is a restoration industry in northern California that has developed to address precisely the NPS water quality issues that have been identified and prioritized in the Basin Plan and in the many TMDL plans for Northcoast watersheds. These projects bring huge economic benefits to our local disadvantaged communities.

In response to the Water Board RFP for ARRA NPS projects we have prepared important, "shovel-ready" projects that are directly aimed at addressing NPS sediment targets that haven been published by TMDL and Basin Plan requirements. These projects will put many, many local people to work who are now either underemployed or unemployed and the economic effects will ripple throughout the rest of our economically impacted communities. We and all our partners have responded to numerous information requests from SRF Water Board staff to prepare complete and detailed technical NPS proposals for possible SRF/ARRA funding. This has been done in good faith and with the continued encouragement from Water Board staff as to how important and how favorable these proposals meet water quality objectives and employment goals of the SRF/ARRA program. To have Water Board staff arbitrarily recommend exclusion of these important project proposals for potential funding from the current ARRA stimulus monies, and to exclude our severely disadvantaged communities from the benefits that would occur, is inconsistent with the goals of the program.

We urge you to consider forest and agricultural NPS pollution projects and fund projects through a competitive selection process that includes proposals that address NPS pollution projects on forest and agricultural lands.

Please contact me at 707-839-5130 or by email at billw@pacificwatershed.com if you have any questions.

Sincerely,

PACIFIC WATERSHED ASSOCIATES INC.

William Weaver, PhD
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